

Appln. No. 10/814,018

Attorney Docket No. 8627-373

II. Remarks

Reconsideration of the present application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this Amendment, claims 1-21 remain pending.

Claim Rejections – 35 U.S.C. §103

Claims 1, 3-7 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,695,813 to Boyle et al. (Boyle) in view of U.S. Patent No. 5,681,347 to Cathcart et al. (Cathcart). Claim 1 recites that the elongate control member comprises a low elongation material and a high elongation material. These elements were incorporated into original claim 3, therefore additional searching should not be required.

As noted in the previous Office Action, the only control member comprises a section of low elongation material and a section of high elongation material. One example of this may clearly be seen in Figure 12, where the high elongation material is denoted by reference number 61 and the low elongation material is denoted by reference number 63. Clearly, the sections having a high elongation material and a low elongation material are structural entities and utilizing the unique properties of each material to manifest physical structural differences in the elongate control member. Nothing in the cited references suggest utilizing a control member having a section made of a low elongation material and a separate section having a low elongation material to provide difference absorption characteristics in each section of the control member. Rather, the references teach away from this element by teaching a uniform material for the component that the examiner submits as the elongate control member.

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For example, on page 3 of the Final Office Action dated July 26, 2007, the examiner submits that the prior art is silent as the material used to make the elongate control member. Further, on page 5 of the same Office Action, the examiner refers to column 25, lines 34-50 of Boyle, noting that the strut may be formed of nickel-titanium. However, Boyle as applied by the examiner would require the struts to be defined as part of the grasping portion and not the elongate control member. Further, the examiner refers to column 26, lines 32-49, where Boyle teaches the wire guide being formed from a uniform material and does not suggest having a portion made of high elongation material and a portion formed of a low elongation material. Nor does Boyle suggest providing different absorption characteristics at different portions along the elongate control member.

In addition, claims 3 and 21 recite that "the elongate control members comprised of the low elongation material for low elongation distal to the proximal end portion and the proximal end portion is comprised of a high elongation material for tension absorption when the elongate control member is urged distally." These elements are not shown in either the Boyle, or Cathcart references. Since Boyle and Cathcart, alone or combination, do not teach or suggest the elongate control member being comprised of a low elongation material and a high elongation material, they do not teach the present invention according to claim 1 or claim 21.

Claims 3-7 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

Claims 2 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyle in view of Cathcart and further in view of U.S. Patent No. 5,484,444 to Braunschweiler (Braunschweiler). Braunschweiler does not teach or suggest the elements noted above as missing from claim 1. Further, claims 2 and

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20 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

Claims 8-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyle in view of Cathcart and further in view of U.S. Patent No. 5,681,347 to Hillstead (Hillstead). Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

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